

**REMARKS**

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested. Claims 13, 18, 24-27 and 56 are pending in this application. By this Response, no claims are amended, cancelled, or added. Claims 13, 24-27 and 56 are the independent claims.

**Rejections under 35 U.S.C. § 103**

Claims 13, 18 and 24-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato et al. (U.S. Patent Publication 2002/0145702, hereinafter "Kato") in view of Ando et al (U.S. Patent No. 7,054,545, hereinafter "Ando") in view of Seo et al. (U.S. Patent Publication No. 2001/0056580, hereinafter "Seo") in view of Jung et al. (U.S. Patent Publication 2004/0081434, hereinafter "Jung"). Applicants respectfully traverse this rejection for the reasons detailed below.

Initially, referring to pages 3-7 of the Office action, Applicants note that the Examiner has recited the incorrect claim language for claim 13. For example, claim 13 of the present application does not recite "a clip information area storing at least one clip information file, each clip information file being associated with at least one stream file stored in a data area." In the Office Action, the Examiner appears to be using claim language from a different application. As a result, the details of the Office Action are confusing. Applicants respectfully request the Examiner to issue a new Non-Final Office Action reflecting the *correct* claim language of the *present* application (e.g., not a different application) so that Applicants may have a clear reason why the present application is rejected.

**I. Ando cannot be combined with Kato, Jung and Seo**

Applicants submit that the teachings of Ando (e.g., older DVD art) are not combinable with Kato, Jung and Seo (e.g., high density recording mediums). Alternatively, if one of ordinary skill in the art would combine the teachings of Ando with the teachings of Kato, Jung and Seo, the data structure of Kato and Jung would have to be "substantially modified" in order to implement the features of Ando to achieve the claimed invention.<sup>1</sup> However, this substantial modification may be considered an inventive step in itself. In other words, this is not a situation where "some features" from Ando can be substituted into the data structure of Kato and Jung.

For example, the claimed invention relates to the recordation and reproduction of still image units and audio data using the specific data structure of the playitem, the sub-playitem, and the still picture unit. Although Kato and Jung teach the *general concept* of a playlist file (including a playitem and sub-playitem) and a stream file, Kato and Jung fail to teach using the playitem for reproducing presentation data, and the sub-playitem for reproducing the audio data, the *details* of the playitem such as the first and second duration information, the *details* of the first and second stream files (e.g., the first stream including presentation data, the second stream including audio data, the presentation data being divided into a still picture unit, the still picture unit including a still picture and graphic data), the synchronously reproduction of the still picture and graphic data based on the playitem, and the independent reproduction of the still picture unit and the audio data based on the sub-playitem.

Rather, the Examiner relies upon the older DVD art of Ando as teaching most of these features, which uses a different file structure. For example, Ando uses VTSI

information, navigation packs, audio/visual packs, and program chains (PGC), which are different than the features of Kato and Jung, as well as the claimed invention. In order to accommodate the features relied on by the Examiner from Ando into the data structure of Kato and Jung, one of ordinary skill in the art would have to substantially modify the data structure (playlist file/stream file) of Kato and Jung, which is not obvious to one of ordinary skill in the art. As such, this situation is clearly not a matter of substitution. Therefore, the fact that features of Ando cannot be substituted into the structure of Kato and Jung indicates that the claims were nonobvious in view of the combined teachings of these references. *See Orthopedic Equip. Co. v. United States*, 702 F.2d 1005 (Fed. Cir. 1983).

## **II. Cited References do not illustrate the “still picture unit”**

Claim 13 requires that a still picture unit include 1) at least one still picture and 2) associated graphic data. Further, claim 13 requires that the still picture unit is included in the first stream file and the audio data is included in the second stream file. The Examiner acknowledges that Kato does not illustrate these features. See Office Action, page 3. Also, in contrast to the Examiner's assertions, Jung and Seo, alone or in combination, do not teach the above features of the still picture unit, for the reasons discussed below.

FIG. 18 of Jung is reproduced below.

---

<sup>1</sup> Seo does not illustrate a data structure recorded on a recording method.

FIG. 18

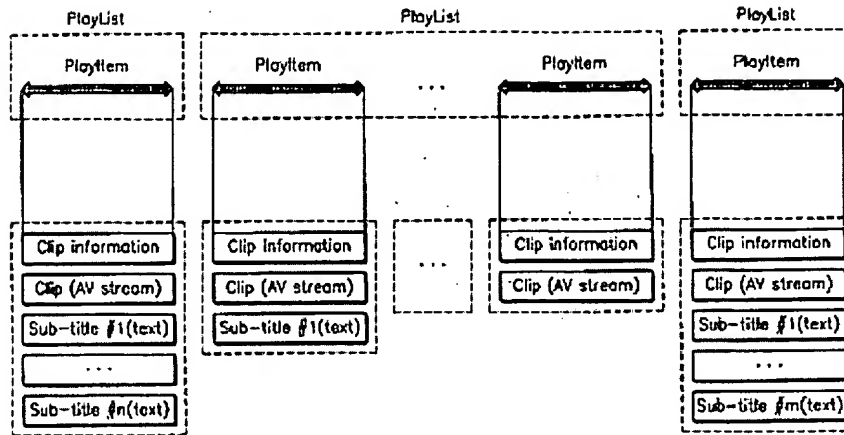


FIG. 18 of Jung clearly illustrates that the clip (AV stream) file is recorded in a separate file from the sub-title (text) file. Therefore, Jung cannot possibly teach a unit within one file including the still picture and the graphic data. As a result, Jung does not teach the still picture unit including at least one still picture and associated graphic data, and the still picture unit is included within a first stream file, as required by claim 13.

Without providing any explanation, the Examiner cites to paragraph [0006] of Seo as allegedly disclosing the above-identified features of claim 13. See Office Action, page 6. Paragraph [0006] of Seo is reproduced below.

[0006] A digital television set being able to receive PL data of ATVEF or DASE standard will be configured as FIG. 1. The digital television set 100 of FIG. 1 comprises a VSB tuner 1 tuning VSB (Vestigial Sideband)-modulated digital television broadcast signal received through an antenna, and extracting MPEG transport stream belonging to a channel chosen by a viewer from the tuned signal; an MPEG decoder 2 decoding A/V data stream contained in the extracted transport stream to original picture and sound data; and a PL separator 3 extracting PL data contained in the extracted transport stream; and a storage unit 4 such as a hard disk or memory banks for storing the extracted PL data; a PL interpreter 5 interpreting PL data stored in the storage unit 4 or received from the PL separator 3; a graphic generator 6 generating a graphic image in accordance with the PL data interpretation; and a mixer 7 mixing synchronously picture data from the MPEG decoder 2 with the

generated graphic image from the graphic generator 6 to be presented together onto a screen.

As discussed in the above paragraph of Seo, a graphic generator (which generates the graphic data) is separately provided in the MPEG decoder. The graphic data and the picture data are then outputted to the monitor after *mixing* the graphic data and the picture data. The fact that Seo actually “generates” graphic data and then “mixes” the graphic data and the picture data immediately before displaying them overwhelmingly suggests that the graphic data of Seo is not recorded with the picture data in the recording medium. As such, Applicants submit that the Examiner’s reliance upon the above-identified paragraph of Seo must be a misunderstanding. For instance, the monitor of Seo is not a recording medium, but a screen to display the picture data and the graphic data together. However, this teaching of Seo indicates *nothing* about how the graphic data and picture data are recorded on a recording medium. In contrast, claim 13 requires that the presentation data is divided into still picture units and these still picture units are included in a first stream file, which has been stored on a non-transitory computer readable medium. Further, the still picture unit of claim 13 includes 1) at least one still picture and 2) associated graphic data. Therefore, Seo cannot possibly disclose the “still picture unit” of claim 13.

III. **Cited References fail to teach the graphic data and the still picture being included in a still picture unit in one file and managed by a playitem and the audio data in a separate file and managed by a separate playitem**

The Examiner acknowledges that Kato and Ando “fail to disclose the still picture unit including at least one still picture and associated graphic data, wherein the at least one still picture and associated graphic data in the at least one still picture unit are reproduced synchronously based on the at least one playitem, and the audio data

is reproduced independently from the at least one still picture unit based on the at least one sub-playitem” of claim 13. See Office Action, page 5. The Examiner relies upon Seo and Jung as allegedly disclosing these features. Applicants disagree.

Because Jung does not disclose the “still picture unit” of claim 13 as discussed above, Jung cannot possibly disclose the at least one still picture and associated graphic data in the still picture unit being reproduced synchronously based on the at least one playitem. For example, in FIG. 18 of Jung, the subtitle data is recorded in a separate file from the clip storing AV stream file. Although Jung may *generally* teach the synchronization of video data and graphic data, claim 13 is not merely directed to the synchronizing the video data and the graphic data. Rather, in claim 13, the synchronization of the still picture and the graphic data uses an effective data structure (e.g., the still picture unit).

Also, because Seo does not illustrate the “still picture unit” of claim 13 as discussed above, Seo cannot possibly disclose the at least one still picture and associated graphic data in the still picture unit being reproduced synchronously based on the at least one playitem. At most, Seo uses a graphic generator to generate graphic data to be displayed with picture data. However, Seo does not utilize a “playitem” or record the graphic data with the picture data in the manner claimed.

Also, in the Office Action, the Examiner has not cited to any portions of Seo and Jung for the limitation “wherein the audio data is reproduced independently from the at least one still picture unit based on the at least one sub-playitem”, as required by claim 13, which the Examiner acknowledges is not disclosed in Kato and Ando.

**IV. Ando fails to teach the first and second duration information**

Claim 13 requires “first duration information indicating whether to display the at least one still picture in the at least one still picture unit for one of a finite and an infinite period of time” and “second duration information indicating a length of time to display the at least one still picture when the first duration information indicates to display the at least one still picture for a finite period of time.” In contrast to the Examiner’s assertions, Ando fails to suggest these features.

For example, Ando teaches “MIN\_DUR” that indicates the minimum duration and “MAX\_DUR” that indicates the maximum duration. See Ando, column 39 lines 38-59. Also, “MAX\_DUR” indicates “00h” in the slideshow and both MAX\_DUR and MIN\_DUR indicate “00h” when the slideshow is presented for infinite duration.

In contrast, the claimed invention determines whether at least one still picture is displayed for a finite period of time or for an infinite period of time when the still pictures are reproduced as the slideshow, and the claimed invention determines a length of time to display the still picture based on the second duration information when the first duration information indicates to display the at least one still picture for a finite period of time. In the claimed invention, if the still picture is displayed for infinite period of time, the claimed invention is able to read only the first duration information, but Ando still has to read both MAX\_DUR and MIN\_DUR.

Therefore, Applicants submit that Ando, Seo, Kato and Jung, alone or in combination, cannot render independent claim 13 obvious to one of ordinary skill in the art. Independent claims 24-27 and 56 includes features similar to the above-discussed features of claim 13, and are patentable for at least the same reasons stated above. Claim 18, dependent on claim 13, is patentable for at least the same reasons stated above. As such, Applicants respectfully request that this rejection be withdrawn.

**CONCLUSION**

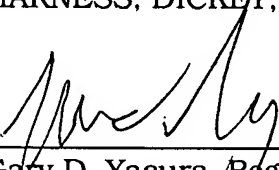
In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
\_\_\_\_\_  
Gary D. Yacura, Reg. No. 35,416

Jared B. Scholz, Reg. No. 64,088

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/JBS:gew

1165070.1